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Via ECF

October 20, 2021

Hon. Judge Nelson S. Roman
United States District Judge
United States Courthouse
300 Quarropas Street
White Plains, N.Y. 10601

**Re: United States v. Helbrans
7:19cr497 (NSR)**

Dear Judge Roman:

The defendant, Nachman Helbrans, joined by defendant Mayer Rosner, respectfully moves this Honorable Court, in limine, to preclude the testimony of government witness Adam Brudzewsky. The defendants submit that any evidence offered by the government through Adam Brudzewsky is stale, based on hearsay, in violation of Federal Rule 403 and is otherwise irrelevant to this prosecution.

The defendants are charged with various crimes that occurred on or between December 5, 2018 and March 16, 2021. They are alleged to have been members and leaders of Lev Tahor, a Jewish ultra-orthodox religious community based primarily in Guatemala having relocated there from Canada in or about 2014. The government alleges in their Third Superseding Indictment that it was only after the original leader of Lev Tahor drowned in 2017, did the defendants take on a leadership role.

The government has identified Adam Brudzewsky as a “lay witness” who, the undersigned submits, is going to offer testimony regarding the practices of Lev Tahor including the defendants’ beatings of Lev Tahor members, forced marriages of minors and the control of Lev Tahor’s adherents.” The government knows all about this witness’s shortcomings having already been advised by him that he does not have compete recall of the events that he is describing as they happened “a long time ago.”¹ The defendant objects and moves to preclude his testimony.

¹ See page 4 of the Brudzewski FBI – 302 dated May 16, 2019 in which the interviewing FBI special agent notes “Brudzewsky acknowledged that his time with Lev Tahor was [] a long time ago and he does not have complete

It is the undersigned's belief that Adam Brudzewsky was a member of Lev Tahor in Canada during the years 2009 through 2011 but thereafter left Lev Tahor, first living in Denmark and then the United States.² It is the undersigned's understanding that Brudzewsky has not been a member of Lev Tahor since 2011, has never been to Guatemala and had no present personal knowledge (from 2017 through March 16, 2021) of the activities of Lev Tahor except through the hearsay statements of others. Brudzewsky has been testifying about "allegations of corporal punishment, cult-like mind control, stunted education routines and underage marriages" regarding Lev Tahor since 2014³ but has no current relevant, admissible evidence to offer that is not otherwise tainted.

Argument

The Court has already and at length laid out the rules for the admissibility of evidence. *See Order on Motion in Limine* dated October 12, 2021, Docket No. 388 at pg. 24. This Court has noted that evidence is relevant if "it has any tendency to make a fact more or less probable than it would be without the evidence . . . and the fact is of consequence in determining the action." Fed. R. Evid. 401(a)-(b). Nothing about the fact that Brudzewsky was last a member of Lev Tahor in 2011 and may have known then of the practices of its adherents under different leadership "has any tendency to make a fact" about what has occurred at Lev Tahor since 2017 "more or less probable." Additionally, the fact that this witness has already admitted to the government that he lacks a complete recollection of the events for which they call him as they happened "a long time ago" makes this witness's testimony even more suspect.

As Brudzewsky has not been a member, nor an adherent of Lev Tahor for almost a decade (but has rather been an avowed critic), it stands to reason that any testimony that is sought to be offered through him about Lev Tahor during the charged period identified in the Superseding Indictment must be based on surmise, conjecture or hearsay – all of which is objectionable and inadmissible.

Finally, even if the Court were to find that there is some scintilla of relevance in Brudzewsky's testimony, Brudzewsky's testimony about his limited recollection of what Lev Tahor was like in 2009 through 2011 should still be excluded as "its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay and a waste of time." Fed. R. Evid. 403.

recollection[] of events that happened a decade ago but he has confidence in his contemporaneous notes." Attached hereto as Exhibit A.

² See Adam Brudzewsky: Lev Tahor whistleblower or paranoiac? The Toronto Star, February 13, 2014, attached hereto as Exhibit B.

³ Id.

WHEREFORE, for the foregoing reasons, the defendants respectfully request that Adam Brudzewsky's testimony be precluded.

Respectfully submitted,

/s/ *Bruce D. Koffsky*
Bruce D. Koffsky

/s/ *Peter J. Schaffer*
Peter J. Schaffer

BDK/me
cc: All Counsel of Record

Exhibit A

FD-302a (Rev. 5-8-10)

7C-NY-3034225

Continuation of FD-302 of (U) Interview of ADAM BRUDZEWSKY , On 05/16/2019 , Page 4 of 4

AGENT NOTE: BRUDZEWSKY acknowledged that his time with LEV TAHOR was a long time ago and he does not have complete recollections of events that happened a decade ago but he has confidence in his contemporaneous notes.

Exhibit B

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CANADA

Adam Brudzewsky: Lev Tahor whistleblower or paranoiac?

By Allan Woods Quebec Bureau

Thu., Feb. 13, 2014 | 6 min. read

Article was updated Dec. 17, 2015

MONTREAL—Television cameras rushed to capture Adam Brudzewsky's arrival at a Saint-Jérôme, Que., courthouse one snowy morning last November, dressed in the distinctive orthodox Jewish outfit of wide-brimmed black hat, black silk coat tied at the waist, bushy beard and payot, the curled strand of hair flanking his face.

He was there for a hearing that would end eight hours later with a judge's order that 14 children from the radical Jewish sect Lev Tahor should be taken into the care of foster families in Montreal despite 200 members of the group having fled a few days earlier to a new life in Chatham-Kent, Ont.

Brudzewsky, who is in his late 20s, gave a nervous smile as he passed the journalists.

"I'm one of the good ones," he said.

Reporters had been on the lookout for the family of the children alleged to have been mistreated, poorly educated and psychologically abused, but none showed up.

Instead, the court listened to Brudzewsky recount a disturbing tale of the two years he spent living with Lev Tahor, including his arranged marriage to a 15-year-old girl, the forced removals of children from their parents and a cult of personality surrounding the group's spiritual leader, Rabbi Shlomo Helbrans.

The testimony of the Danish-born Brudzewsky was intended to emphasize the findings of child-protection workers who had been conducting a three-month probe of Lev Tahor that was cut short when they fled Quebec for Ontario.

More than two months later, it has also been cited in a separate child-welfare probe in Ontario that led to two children, aged 4 and 1, being removed from their homes. The pair were removed by Ontario child welfare authorities over a suspected a bruise, but were later reunited with their parents following another court hearing.

Brudzewsky has also been in regular contact with the Sûreté du Québec, who are conducting a separate investigation. Details of that investigation are expected to be released Friday. That probe may also be the reason Brudzewsky sent a mysterious email Sunday to the Star and other media outlets that have been closely following the case.

"I am sorry to inform you that I must immediately cease contact with all media for an unknown period, possibly indefinitely. Rest assured that this is not done because of fault on the media's sides, but because of reasons that are beyond my control and that I cannot reveal," he wrote.

The radio silence from the former MENSA member, the exclusive club for those with high IQs, is likely a cause of celebration for Lev Tahor and its supporters — even if it comes on orders from police as they progress in their criminal investigation of the group.

For a while the slight, unassuming father of two has been cast by lawyers and child-protection workers as a whistleblower who escaped Lev Tahor and is now intent on saving innocent children. But Brudzewsky's detractors see only a paranoid intent on dragging the reclusive Jewish group into an uncomfortable public spotlight.

"Before his anger is taken as truth, his assertions should at least be investigated," Harold Boss, who is the grandfather of Brudzewsky's wife, Leah, said from his home in Monroe, N.Y.

Boss is not a member of Lev Tahor, but his brother does live with the group and his daughter is a former member. After Brudzewsky and his wife fled Lev Tahor in 2011 for sanctuary in Denmark, they elected to settle in Monroe's large orthodox community, living with members of Leah's family.

In a letter to the Ontario court hearing the case involving the two children, Boss wrote that Brudzewsky began attending a school for married orthodox men in nearby Monsey.

“After a brief period he told me that that school, too, was becoming a cult, and thus he could no longer attend,” Boss said. “It became obvious to both my wife and I that this young man displayed some significant psychological problems, but we kept silent.”

Brudzewsky said the rabbi and followers at the synagogue where he was studying in Monsey had “some similarities to Lev Tahor.”

Boss said in an interview with the Star that he has tried not to take sides in a dispute that Lev Tahor leaders say has become a case of religious persecution. But Brudzewsky’s description of a closed society living in fear and unable to exercise free will stands in contrast to the experience of his daughter. She decided on her own a few years ago that the rigours of life in a group that strives to live in a 200-year-old model of Jewish life were not for her.

“She was brought up here. She wanted her kids to go to school here. There are some people for whom that kind of life is not appealing,” Boss said. “She felt, I think, more isolated there. Not that it was bad, but it wasn’t for her.”

When she made up her mind about Lev Tahor, he said, her family packed up the car and left.

Boss claims to have spoken at length with Brudzewsky about his experiences with Lev Tahor and now believes that his sole purpose in joining the group was to find a wife — something Brudzewsky has denied. But the allegations of cult-like behaviour are evidence of a disturbing paranoia, Boss said.

“His sickness is destroying too many innocent families.”

It’s not the first time Brudzewsky has been challenged. In his court testimony, he recounted being told by Rabbi Helbrans that he suffered from borderline personality disorder, characterized by seeing only negative when there was so much that was positive about life in Lev Tahor.

Brudzewsky’s critics have also offered more evidence that he is an unbalanced and troubled soul: a teenage suicide attempt. Brudzewsky says the accusation stems from an “existential crisis” he went through at the age of 15 in which he challenged the need to eat and drink. It was quickly resolved, he said, with the interventions of a doctor and a rabbi.

Far from the search for an ending to his life, the episode marked the beginning of a philosophical search that led to his enrolment at an applied philosophy program at Sweden's Lund University.

"The problem of not having a reason to live (nor any reason to die, or to do anything else for that matter) never rose again," he said.

But Brudzewsky's detractors keep popping up, even as the allegations of corporal punishment, cult-like mind control, stunted education routines and underage marriages are laid out in court documents.

The ongoing case against Lev Tahor prompted 10 of Montreal's leading orthodox rabbis to hold a special meeting on Jan. 7. Critics of the group, some of whom were in attendance, said there was agreement among the rabbis to help find Yiddish-speaking foster families for the 14 children ordered into temporary custody. They also said the rabbis issued an extraordinary edict that orthodox Jews were not to provide financial assistance to Lev Tahor through its charitable arm, the Society of Spiritual Development.

"They wanted to show that there is such a concept in Judaism as profaning God's name," recounted one source who was present at the meeting but asked not to be identified.

"If the non-Jews or other Jews see that God's people do only bad things, then God will get a bad name."

But according to two of the rabbis who took part in the meeting, no such firm conclusions were ever reached.

"The agenda wasn't clear and it seemed like this Brudzewsky wanted the rabbis to get together and got one of the rabbis to call the others," Grand Rabbi Dovid Meisels, the leader of Montreal's Satmar Hassidic sect, told the Star. "I can tell you one thing: This Mr. Brudzewsky is a real liar."

Brudzewsky stands by his allegations, undeterred by those who attack his credibility. And despite the endless demands of police investigators, child-welfare workers and lawyers, he claims no great discomfort being the lynchpin in the ongoing prosecution of Lev Tahor.

"I challenge anyone to catch me in any lie whatsoever," he said.

Read more about: Lev Tahor, Quebec